

Scoring Points

*Politicians, Activists, and the
Lower Federal Court Appointment Process*

Nancy Scherer

Scoring Points Politicians Activists And The Lower Federal Court Appointment Process

**Michael P. Fix, Matthew D.
Montgomery**



Scoring Points Politicians Activists And The Lower Federal Court Appointment Process:

Scoring Points Nancy Scherer, 2005 This book explores how the lower federal court appointment process became vastly politicized in the modern era Scherer develops a theory of elite mobilization positing that lower court appointments have always been used by politicians for electoral purposes but because of two historic changes to American institutions in the 1950s and 1960s the breakdown of the old party system and a federal judiciary reception to expanding individuals constitutional rights politicians shifted from an appointment system dominated by patronage to a system dominated by new policy oriented appointment strategies The use of these new strategies not only resulted in partisan warfare during the nomination and confirmation stages of the appointment process but also led to party polarized voting in the lower federal courts Employing exclusive data of judicial decision making from the New Deal era through the present Scherer demonstrates that there was little party polarized voting in the lower federal courts until the late 1960s and that once politicians began to use elite mobilization strategies significant party polarized voting in the lower federal courts resulted Accordingly elite mobilization strategies have affected not only politics in Washington but also the way justice is distributed across the country

Research Handbook on Judicial Politics Michael P. Fix, Matthew D. Montgomery, 2024-09-06 This timely Research Handbook offers a comprehensive examination of judicial politics both in the US and across the globe Taking a broad view of the judiciary in all levels of the court it examines the present state of the field and raises new questions for future scholarly exploration

Gender and Justice Sally Jane Kenney, 2013 Intended for use in courses on law and society as well as courses in women s and gender studies women and politics and women and the law this book explores different questions in different North American and European geographical jurisdictions and courts demonstrating the value of a gender analysis of courts judges law institutions organizations and ultimately politics Gender and Justice argues empirically for both more women and more feminists on the bench while demonstrating that achieving these two aims are independent projects

Red and Blue Nation? Pietro S. Nivola, David W. Brady, 2008-04-01 A Brookings Institution Press and the Hoover Institution publication America s polarized politics are largely disconnected from mainstream public preferences This disconnect poses fundamental dangers for the representativeness and accountability of government as well as the already withering public trust in it As the 2008 presidential race kicks into gear the political climate certainly will not become less polarized With important issues to address including immigration policy health care and the funding of the Iraq war it is critical that essential policies not be hostage to partisan political battles Building upon the findings of the first volume of Red and Blue Nation Brookings 2006 which explored the extent of political polarization and its potential causes this new volume delves into the consequences of the gulf between red states and blue states The authors examine the impact of these political divisions on voter behavior Congressional law making judicial selection and foreign policy formation They shed light on hotly debated institutional reform proposals including changes to the electoral system and the congressional rules of engagement

and ultimately present research supported policies and reforms for alleviating the underlying causes of political polarization While most discussion of polarization takes place in separate spheres of journalism and academia Red and Blue Nation brings together a unique set of voices with a wide variety of perspectives to enrich our understanding of the issue Written in a broad accessible style it is a resource for anyone interested in the future of electoral politics in America Contributors include Marc Hetherington and John G Geer Vanderbilt University Deborah Jordan Brooks Dartmouth College Martin P Wattenberg University of California Irvine Barbara Sinclair and Joel D Aberbach UCLA Christopher H Foreman University of Maryland Keith Krehbiel Stanford University Sarah A Binder Benjamin Wittes Jonathan Rauch and William A Ga

The Oxford Handbook of U.S. Judicial Behavior Lee Epstein, Stefanie A. Lindquist, 2017-06-08 The Oxford Handbook of U S Judicial Behavior offers readers a comprehensive introduction and analysis of research regarding decision making by judges serving on federal and state courts in the U S Featuring contributions from leading scholars in the field the Handbook describes and explains how the courts political and social context formal institutional structures and informal norms affect judicial decision making The Handbook also explores the impact of judges personal attributes and preferences as well as prevailing legal doctrine influence and shape case outcomes in state and federal courts The volume also proposes avenues for future research in the various topics addressed throughout the book Consultant Editor for The Oxford Handbooks of American Politics George C Edwards III

Women and Politics Julie Dolan, Melissa M. Deckman, Michele L. Swers, Paru Shah, 2025-08-26 Women and Politics Paths to Power and Political Influence examines the role of women in politics from the early women s movement to the female politicians in power today Focusing on women whose stories have not yet been told this book includes new analysis and scholarship on the experiences and viewpoints of conservative women women of color LGBT women and millennial women Students will gain historical insight into how women have achieved political power and how they have influenced the American political system at the state local and national levels in each branch of government Engaging profiles of the key players who have shaped our political system are interwoven with an analysis of the most recent election data to provide a comprehensive and unbiased introduction to the study of women and politics

Judicial Process in America Robert A. Carp, Kenneth L. Manning, Lisa M. Holmes, Ronald Stidham, 2019-01-31 Known for shedding light on the link between the courts public policy and the political environment Judicial Process in America offers you a clear but comprehensive overview of today s American judiciary Considering the courts from every level the authors thoroughly cover judges lawyers litigants and the variables at play in judicial decision making The highly anticipated Eleventh Edition offers updated coverage of recent Supreme Court rulings including same sex marriage and health care subsidies the effect of three women justices on the Court s patterns of decision and the policy making role of state tribunals as they consider an increasing number of state programs and policies

The Judicial Process Christopher P. Banks, David M. O'Brien, 2015-02-19 The Judicial Process Law Courts and Judicial Politics is an all new concise yet comprehensive core text that introduces

students to the nature and significance of the judicial process in the United States and across the globe It is social scientific in its approach situating the role of the courts and their impact on public policy within a strong foundation in legal theory or political jurisprudence as well as legal scholarship Authors Christopher P Banks and David M O'Brien do not shy away from the politics of the judicial process and offer unique insight into cutting edge and highly relevant issues In its distinctive boxes Contemporary Controversies over Courts and In Comparative Perspective the text examines topics such as the dispute pyramid the law and morality of same sex marriages the hardball politics of judicial selection plea bargaining trends the right to counsel and pay as you go justice judicial decisions limiting the availability of class actions constitutional courts in Europe the judicial role in creating major social change and the role lawyers juries and alternative dispute resolution techniques play in the U S and throughout the world Photos cartoons charts and graphs are used throughout the text to facilitate student learning and highlight key aspects of the judicial process

The Oxford Handbook of Law and Politics Keith E. Whittington, R. Daniel Kelemen, Gregory A. Caldeira, 2010-06-10 The study of law and politics is one of the foundation stones of the discipline of political science and it has been one of the most productive areas of cross fertilization between the various subfields of political science and between political science and other cognate disciplines This Handbook provides a comprehensive survey of the field of law and politics in all its diversity ranging from such traditional subjects as theories of jurisprudence constitutionalism judicial politics and law and society to such re-emerging subjects as comparative judicial politics international law and democratization The Oxford Handbook of Law and Politics gathers together leading scholars in the field to assess key literatures shaping the discipline today and to help set the direction of research in the decade ahead

Law as a Means to an End Brian Z. Tamanaha, 2006-10-02 The contemporary US legal culture is marked by ubiquitous battles among various groups attempting to seize control of the law and wield it against others in pursuit of their particular agenda This battle takes place in administrative legislative and judicial arenas at both the state and federal levels This book identifies the underlying source of these battles in the spread of the instrumental view of law the idea that law is purely a means to an end in a context of sharp disagreement over the social good It traces the rise of the instrumental view of law in the course of the past two centuries then demonstrates the pervasiveness of this view of law and its implications within the contemporary legal culture and ends by showing the various ways in which seeing law in purely instrumental terms threatens to corrode the rule of law

Judicial Politics in the United States Mark C. Miller, 2018-09-03 *Judicial Politics in the United States* examines the role of courts as policymaking institutions and their interactions with the other branches of government and other political actors in the U S political system Not only does this book cover the nuts and bolts of the functions structures and processes of our courts and legal system it goes beyond other judicial process books by exploring how the courts interact with executives legislatures and state and federal bureaucracies It also includes a chapter devoted to the courts interactions with interest groups the media and general public opinion and a chapter that looks at how American

courts and judges interact with other judiciaries around the world Judicial Politics in the United States balances coverage of judicial processes with discussions of the courts interactions with our larger political universe making it an essential text for students of judicial politics Focus On: 100 Most Popular 20Th-century American Politicians Wikipedia contributors,

Politics to the Extreme S. Frisch,S. Kelly,2013-12-11 To overcome the political deadlock that overshadows the pressing problems facing the United States the academics top scholars address the causes and consequences of polarization in American politics and suggest solutions for bridging the partisan divide *The Politics of Judicial Independence* Bruce Peabody,2011 2011 Winner of the Selection for Professional Reading List of the U S Marine Corps The judiciary in the United States has been subject in recent years to increasingly vocal aggressive criticism by media members activists and public officials at the federal state and local level This collection probes whether these attacks as well as proposals for reform represent threats to judicial independence or the normal even healthy operation of our political system In addressing this central question the volume integrates new scholarship current events and the perennial concerns of political science and law The contributors policy experts established and emerging scholars and attorneys provide varied scholarly viewpoints and assess the issue of judicial independence from the diverging perspectives of Congress the presidency and public opinion Through a diverse range of methodologies the chapters explore the interactions and tensions among these three interests and the courts and discuss how these conflicts are expressed and competing interests accommodated In doing so they ponder whether the U S courts are indeed experiencing anything new and whether anti judicial rhetoric affords fresh insights Case studies from Israel the United Kingdom and Australia provide a comparative view of judicial controversy in other democratic nations A unique assessment of the rise of criticism aimed at the judiciary in the United States *The Politics of Judicial Independence* is a well organized and engagingly written text designed especially for students Instructors of judicial process and judicial policymaking will find the book along with the materials and resources on its accompanying website readily adaptable for classroom use **Judicial Process in America** Robert A. Carp,Kenneth L. Manning,Lisa M. Holmes,Jennifer Bowie,2025-03-11 Judicial Process in America Thirteenth Edition is a market leading and comprehensive textbook for both academic and general audiences Authors Robert Carp Kenneth Manning Lisa Holmes and Jennifer Bowie provide a comprehensive overview of the link between the courts public policy and the political environment

Judgment Calls Daniel A. Farber,Suzanna Sherry,2009 Judgement Calls tackles one of the most important and controversial legal questions in contemporary America How should judges interpret the Constitution Our Constitution contains a great deal of language that is vague broad or ambiguous making its meaning uncertain Many people believe this uncertainty allows judges too much discretion They suggest that constitutional adjudication is just politics in disguise and that judges are legislators in robes who read the Constitution in accordance with their own political views Some think that political decision making by judges is inevitable and others think it can be restrained by strict constructionist theories like textualism or originalism But at bottom

both sorts of thinkers believe that judging has to be either tightly constrained and inflexible or purely political and unfettered. There is, they argue, no middle ground. Farber and Sherry disagree, and in this book they describe and defend that middle ground. They show how judging can be and often is both principled and flexible. In other words, they attempt to reconcile the democratic rule of law with the recognition that judges have discretion. They explain how judicial discretion can be exercised responsibly, describe the existing constraints that guide and cabin such discretion, and suggest improvements. In exploring how constitutional adjudication works in practice and how it can be made better, Farber and Sherry cover a wide range of topics that are relevant to their thesis and also independently important, including judicial opinion writing, the use of precedent, the judicial selection process, the structure of the American judiciary, and the nature of legal education. They conclude with a careful look at how the Supreme Court has treated three of the most significant and sensitive constitutional issues: terrorism, abortion, and affirmative action.

Judgment Calls is a welcome addition to the literature on the intersection of constitutional interpretation and American politics.

Judicial Politics in Polarized Times Thomas M. Keck, 2014-12-04 This important and timely discussion of judicial politics sheds light on America's courts as they rule on abortion, gay rights, gun rights, and more. Choice. When the Supreme Court upheld the Affordable Care Act, some saw the decision as a textbook example of neutral judicial decision making, noting that a Republican Chief Justice joined the Court's Democratic appointees in their vote. Others decried the decision as an example of partisan justice, citing a Republican bloc of Court appointees who voted to strike the statute down. Still others argued that the ACA's fate ultimately hinged not on the Court but on the outcome of the 2012 election. These interpretations reflect larger shifts in judicial politics that have emerged in today's increasingly polarized America. Are judges neutral legal umpires, unaccountable, partisan activists, or political actors whose decisions conform to rather than challenge the democratic will? Drawing on a sweeping survey of hot-button litigation on abortion, affirmative action, gay rights, and gun rights across the Clinton, Bush, and Obama eras, Thomas M. Keck argues that while each of these perspectives has merit, each is also misleading. Despite judges' claims, actual legal decisions are not the politically neutral products of disembodied legal texts. But neither are judges tyrants in robes undermining democratic values by imposing their own preferences. Just as often, judges and the public seem to be pushing in the same direction. As for the argument that the courts are powerless institutions, Keck shows that their decisions have profound political effects. And while advocates on both the left and right use litigation to achieve their ends, neither side has consistently won. Ultimately, Keck argues, judges respond not simply as umpires, activists, or political actors but in light of distinctive judicial values and practices.

Judicial Selection in the States Herbert M. Kritzer, 2020-04-30 How do legal professionalism and politics influence efforts to structure the process of selecting and retaining state judges?

Diversity Matters Susan B. Haide, Laura P. Moyer, 2015-05-19 Until President Jimmy Carter launched an effort to diversify the lower federal courts, the U.S. courts of appeals had been composed almost entirely of white males. But by 2008, over a quarter of

sitting judges were women and 15 percent were African American or Hispanic Underlying the argument made by administration officials for a diverse federal judiciary has been the expectation that the presence of women and minorities will ensure that the policy of the courts will reflect the experiences of a diverse population Yet until now scholarly studies have offered only limited support for the expectation that judges race ethnicity or gender impacts their decision making on the bench In *Diversity Matters* Susan B Haire and Laura P Moyer employ innovative new methods of analysis to offer a fresh examination of the effects of diversity on the many facets of decision making in the federal appellate courts Drawing on oral histories and data on appellate decisions through 2008 the authors analyses demonstrate that diversity on the bench affects not only individual judges choices but also the overall character and quality of judicial deliberation and decisions Looking forward the authors anticipate the ways in which these process effects will become more pronounced as a result of the highly diverse Obama appointment cohort

Women in the Judiciary Ulrike Schultz, Gisela Shaw, 2013-09-13 Does gender matter in judging And if so in what way Why were there so few women judges only two or three decades ago and why are there so many now in most countries of the Western world How do women judges experience their work in a previously male dominated environment What are their professional careers How do they organise and live their lives And finally and most notably do women judge differently from men or even better These are the questions dealt with in this collection of contributions by seven authors from six countries UK Australia USA Canada Syria and Argentina contrasting views from common law and civil law countries In spite of differences in the two legal systems as well as greater gender diversity on the bench and the overall higher income and prestige enjoyed by judges in common law countries women judges in all these countries Syria included share many problems Diverse and intriguing facets are added to a debate that started thirty years ago but continues to leave ample space for further discussion This book was originally published as a special issue of *International Journal of the Legal Profession*

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Table of Contents Scoring Points Politicians Activists And The Lower Federal Court Appointment Process

1. Understanding the eBook Scoring Points Politicians Activists And The Lower Federal Court Appointment Process
 - The Rise of Digital Reading Scoring Points Politicians Activists And The Lower Federal Court Appointment Process
 - Advantages of eBooks Over Traditional Books
2. Identifying Scoring Points Politicians Activists And The Lower Federal Court Appointment Process
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Scoring Points Politicians Activists And The Lower Federal Court Appointment Process
 - User-Friendly Interface
4. Exploring eBook Recommendations from Scoring Points Politicians Activists And The Lower Federal Court Appointment Process
 - Personalized Recommendations
 - Scoring Points Politicians Activists And The Lower Federal Court Appointment Process User Reviews and Ratings
 - Scoring Points Politicians Activists And The Lower Federal Court Appointment Process and Bestseller Lists
5. Accessing Scoring Points Politicians Activists And The Lower Federal Court Appointment Process Free and Paid eBooks
 - Scoring Points Politicians Activists And The Lower Federal Court Appointment Process Public Domain eBooks

- Scoring Points Politicians Activists And The Lower Federal Court Appointment Process eBook Subscription Services
- Scoring Points Politicians Activists And The Lower Federal Court Appointment Process Budget-Friendly Options
- 6. Navigating Scoring Points Politicians Activists And The Lower Federal Court Appointment Process eBook Formats
 - ePub, PDF, MOBI, and More
 - Scoring Points Politicians Activists And The Lower Federal Court Appointment Process Compatibility with Devices
 - Scoring Points Politicians Activists And The Lower Federal Court Appointment Process Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Scoring Points Politicians Activists And The Lower Federal Court Appointment Process
 - Highlighting and Note-Taking Scoring Points Politicians Activists And The Lower Federal Court Appointment Process
 - Interactive Elements Scoring Points Politicians Activists And The Lower Federal Court Appointment Process
- 8. Staying Engaged with Scoring Points Politicians Activists And The Lower Federal Court Appointment Process
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Scoring Points Politicians Activists And The Lower Federal Court Appointment Process
- 9. Balancing eBooks and Physical Books Scoring Points Politicians Activists And The Lower Federal Court Appointment Process
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Scoring Points Politicians Activists And The Lower Federal Court Appointment Process
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Scoring Points Politicians Activists And The Lower Federal Court Appointment Process
 - Setting Reading Goals Scoring Points Politicians Activists And The Lower Federal Court Appointment Process

- Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Scoring Points Politicians Activists And The Lower Federal Court Appointment Process
 - Fact-Checking eBook Content of Scoring Points Politicians Activists And The Lower Federal Court Appointment Process
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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